

VERIFIED STATEMENT OF HARRY WILEY

1. My name is Harry Wiley.
2. On November 19, 2024, I was examined by the Occupational Pneumoconiosis Board of the West Virginia Offices of the Insurance Commissioner ("OP Board") which is comprised of three physicians, including a radiologist.
3. On or about January 20, 2025, the OP Board issued a determination that I suffer from occupational pneumoconiosis, also known as black lung disease.
4. My black lung disease is still at an early stage. At the present time, the OP Board has determined that I did not yet suffer, at the time of their November 2024 examination, from any ratable impairment to my breathing function from my pneumoconiosis under the rules applicable to claims for workers' compensation under the laws of the State of West Virginia.
5. I have been employed as a coal miner for over thirty-five years.
6. On November 7, 2024, I took the initial step in applying for transfer to a non-dusty job under Part 90 by completing Form 0920-0020.
7. On November 8, 2024, I caused my Form 0920-0020 to be mailed and a radiographic image of my chest by certified mail to the NIOSH Coal Workers' Health Surveillance Program, 1000 Frederick Lane M/S LB208, Morgantown, WV 26508.
8. As of the filing of this Complaint, I have received no response to my Part 90 application from the CWHSP or NIOSH's Respiratory Health Division.
9. At the present time, I continue to be employed on a full-time basis at an underground coal mining complex in the State of West Virginia, daily encountering regular exposure to the dusty hazards of occupational pneumoconiosis.
10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 17th day of April, 2025.

Harry Wiley, Jr.